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RUMICEA/USCENTCOM INTEL CEN MACDILL AFB FL
RHMFISS/HQ USCENTCOM MACDILL AFB FL
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TAGS: [PGOV](#) [PREL](#) [PINR](#) [KDEM](#) [AF](#)
SUBJECT: PARLIAMENT SEEKS TO STRENGTHEN PROVINCIAL
COUNCIL LAW

REF: (A) Kabul 1069, (B) Kabul 2318

11. (SBU) SUMMARY. Both houses of the Afghan National Assembly have drafted revisions to the Provincial Council Law, which will be considered by the Wolesi Jirga upon their return from recess in July. The revisions would strengthen the role of Provincial Councils in provincial governance, giving them greater oversight authority. This move is the first proactive attempt at legislating by the Parliament to date, and inserts them into the debate over the role Provincial Councils should have in provincial governance. END SUMMARY.

Proposed Changes to Provincial Council Law

12. (SBU) Parliament is considering the following changes to the Provincial Council law:

- Granting Provincial Councils (PCs) authority to supervise government programs in the provinces. (Both houses)
- Requiring provincial government departments to provide quarterly reports (on programs and budgeting) to the Councils. (Meshrano Jirga/MJ/upper house only)
- Granting PCs authority to approve provincial development plans. (Wolesi Jirga/WJ/lower house only)
- Adding counter-narcotics and anti-alcohol goals to the items included in PCs' areas of responsibility. (Both houses)
- Provincial Councils would be held accountable to the Office of Administrative Affairs within the Palace, not the Ministry of Interior. (MJ only)
- Dissolution of a Provincial Council would require agreement of the President and Meshrano Jirga, not a

decision by the Ministry of Interior. (WJ only)
- In the case of the death of a member of the Provincial Council, the seat would remain open. (WJ only)

13. (SBU) In a meeting in May, Kubra Mustafawi, Chair of the Meshrano Jirga Committee on Provincial Councils, stated that these changes came out of discussions with PC members from across Afghanistan during the national conference of Provincial Councils called by President Karzai on March 1 (Ref A). She stated that the PC members gave the MJ permission to make improvements to the PC law based on the report that came out of the Committee. Her committee drafted an amended bill and sent it to the Wolesi Jirga, where, according to the Constitution, all changes to transitional laws must originate. The WJ Legislation Committee reviewed the bill and presented its report on the legislation to the Wolesi Jirga on the last day of its first session (June 5). The Wolesi Jirga briefly discussed whether to debate the bill, then decided to postpone substantive debate until their return from recess (tentatively, July 23).

Relations between Parliament and PCs -----

14. (SBU) Members of Parliament, and the Meshrano Jirga in particular, have emerged as strong advocates for Provincial Councils. While their request was not included in the final budget approved by the Wolesi Jirga, the Parliament did include a USD2.5 million

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increase in funds for PCs in its budget request to the President. In addition, in meetings, MPs frequently put forward requests for the USG to consult with Provincial Councils in the setting of development priorities, and seek additional support (from technical assistance on budgeting to cars) for PC members. Ms. Mustafawi has begun to attend meetings of the Provincial Council Coordinating group, chaired by the Ministry of Interior, and pursues these goals in this forum as well.

15. (SBU) Members of the Meshrano Jirga - two-thirds of which were elected from Provincial Councils - have a particularly close connection to PCs. MJ members communicate regularly with PC members by phone. MJ members also receive delegations of constituents from their provinces on a weekly basis and have participated in delegations back to the provinces (Ghor, Dai Kundi, Wardak, Bamyan, Ghazni and Herat) at the request of PC members.

Comment -----

16. (SBU) The fact that Parliament independently drafted amendments to the PC law is significant in terms of its development, and comes early in the Parliament's institutional development. While it was not able to move beyond procedural discussions to debate the substance of the bill in the final days before recess, the Wolesi Jirga's move is a sign that it will closely consider the significant transitional laws it has before it. It also indicates that Parliament does have the technical capacity to draft amendments and bills.

17. (SBU) The choice of the PC law as the first bill to consider is also significant. Parliament has a natural affinity for its fellow elected bodies, but it will be interesting to see how the Parliament's interest will play against an administration unsure how far to empower the PCs (Ref B). The changes proposed to the PC law are not dramatic - they do not transform PCs

into miniature parliaments - but they are significant, making PCs more independent of their governors and granting them more oversight over provincial policy. We will be following this issue closely to see which changes make it through the entire legislative process.
END COMMENT.

NEUMANN